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8 Attorneys for the Plaintiffs and Counter-Defendants  
9 NELLCOR PURITAN BENNETT, INC. and  
10 BOARD OF REGENTS, THE UNIVERSITY OF  
11 TEXAS SYSTEM.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NELLCOR PURITAN BENNETT, INC., and  
BOARD OF REGENTS, THE UNIVERSITY  
OF TEXAS SYSTEM

Plaintiffs and Counter-  
Defendants,

v.

SMITHS MEDICAL INTERNATIONAL  
LTD., et al.,

Defendants and Counter-  
Plaintiffs.

Case No. 04-1934 VRW

**STIPULATION OF DISMISSAL OF  
SMITHS MEDICAL INTERNATIONAL  
LTD. AND SMITHS MEDICAL ASD, INC.**

WHEREAS, Nellcor Puritan Bennett, Inc. and Board of Regents, the University of Texas System (“Plaintiffs”) and Smiths Medical International Ltd. and Smiths Medical ASD, Inc. (“Smiths Entities”) have settled this matter based on the terms set forth in the confidential Settlement and License Agreement having an effective date of April 1, 2006;

Plaintiffs and the Smiths Entities, by and through their counsel, hereby agree, stipulate and request that each of their claims against each other, but excluding Plaintiffs’ claims against the remaining defendants, be dismissed, with prejudice, each party to bear its own respective costs and attorney fees.

1 Read and Approved:

2 HOVEY WILLIAMS LLP

3 Dated: August 5, 2006

4 By

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8 ATTORNEYS for the Plaintiffs and Counter-  
9 Defendants NELLCOR PURITAN BENNET, INC.  
10 and MALLINCKRODT INC.

11 JENNER & BLOCK LLP

12 Dated: August 1, 2006

13 By:

14 HARRY J. ROPER (Admitted *Pro Hac Vice*)  
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Chicago, Illinois 60611

16 ATTORNEYS for the Defendants and Counter-  
17 Plaintiffs SMITHS INTERNATIONAL LTD.  
18 and SMITHS MEDICAL ASD, INC.

19 SO ORDERED:

20 Dated: August 16, 2006

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United States District Judge